Forum/M/12/2012 – Public
Adopted on 19/10/2012

Minutes of the 12th meeting of the Forum for Exchange of Information on Enforcement Helsinki 18-20 June 2012

I. Summary Record of the Proceedings

Day 1

Item 1 – Welcome and Introduction

a) *Opening by the CHAIR of the Forum and welcoming the new members of the Forum*

The CHAIR welcomed the participants and the two new members of the ECHA Forum-S. She opened the meeting by informing the Forum members about the presences and absences. She transmitted the apologies of FR and BG that did not have any proxies for Forum-12, according to Article 5(4) of the Forum's RoP.
The CHAIR informed that the quorum requirement was met. In terms of the protection of individual rights, the CHAIR expressed that the meeting was being recorded for the purpose of minute taking.

The CHAIR reminded the Forum Members that would leave before the end of the meeting to appoint proxies: CY appointed the EL as her proxy; DE would represent AT, EE represented LV and ES and MT represented IT.

b) Adoption of the agenda and declarations of conflict of interest with regard to agenda points

ECHA Forum-S indicated the changes in the Agenda and informed the Forum that the presenter of Item 12 b) and the chair of the SLIC WG (Item 12a) were not able to attend. She proposed to postpone these two issues until Forum-13. The Agenda was adopted with its changes.

The CHAIR asked for declarations of conflicts of interest on particular items of the agenda. Following the amendment of Annex 2 of the RoP by the MB decision on 23 March 2012 (MB/11/2012), an updated declaration of interest needed to be signed by all Forum Members. No conflicts of interest were declared.

c) Adoption of Minutes of Forum-11

Due to extraordinary circumstances, the minutes of Forum-11 were provided only a few days before Forum-12. The CHAIR proposed the adoption of the minutes to be done by written procedure.

d) State of play with action points from Forum-11

ECHA Forum-S pointed out that all items were addressed by the ECHA Forum-S in cooperation with the Forum Members and there were no action points open.

e) Practicalities and brief recapitulation of results of the written procedures between Forum-11 and Forum-12 (ECHA/Forum-12/2012/01e)

ECHA Forum-S informed the Forum on the practical issues and presented the results of the five written procedures between Forum 11 and Forum 12.

Item 2 – *Address by the Executive Director of ECHA.*

The ED welcomed the Forum members and thanked them for everything achieved in the past five years. He stressed how enforcement is a key area for both ECHA and the stakeholders and how the enforcement activities are more and more in the public eye. He appealed for the Forum members to promote the RIPE to optimise the enforcement activities. He mentioned his interest in the output of the second inspection project REF2 and the horizontal methodology that is being developed by a working group.

Item 3 – Update on relevant developments by Commission

a) Outcome of studies commissioned by the European Commission on REACH
Study on inspection requirements for REACH and CLP
(ECHA/Forum-12/2012/03a)

COM presented this study. The Forum members were informed that this study was finalised and the final version uploaded to CIRCA. The publication would be foreseen in the context of the REACH review after the summer break.
The CHAIR asked if the Forum's comments were taken into account since the Forum members had not received any feedback from COM. COM could not reply on how the comments were dealt with.
The Forum members questioned if the report will include an official position of the COM. In addition they asked what the state of the report was on restrictions' investigation.
COM replied that an official position of COM may not exist since a follow-up document on how the. relevant comments are reflected will be available. This study, prepared by the DG ENV, was mainly to assess what the Forum has already done and what could be done in the future. The other studies on restrictions would be useful for ECHA and for the working group on restrictions.

b) Update on CARACAL and other issues (ECHA/Forum-12/2012/03b)

COM gave an update covering discussions and decisions taken at the last CARACAL meeting, Enterprise Policy Group (EPG), the REACH review, the fee regulation, Market Surveillance issues and the Enforcement conference on 1 March 2012. COM transmitted that suggestions for the next conference are welcomed.
The COM representative was requested to conduct a specific presentation on enforcement related issues of the REACH review at the next Forum meeting.
The CHAIR stated that the Forum and ECHA Forum-S will be available to assist with COM's presentation on the EPG meeting regarding the Forum's activities. Regarding the involvement of the stakeholders, she explained that only general answers could be given to the industry.
ECHA Forum-S asked for the COM to alert when the REACH review is complete so that it can be distributed to the FORUM members.
The Forum members addressed COM regarding the ECHA letter on SCC but it was still under consideration by the higher level groups at COM.
ECHA Forum-S would make the abovementioned letter on SCC available to the Forum.

Item 4 – Reports from the ECHA Secretariat

a) Manual of Conclusions (Past Forum conclusions – point 2; Annex 1)
(ECHA/Forum-12/2012/04a)

The ECHA Forum-S presented the progress made with the Manual of Conclusions (MoC). It was explained that the conclusions included in the revised MoC were endorsed by a majority.
A Forum member stated that a legal adviser recommended some caution on item (1.4.2). It was asked what the follow up of this document would be and how it would be made available to inspectors.
The CHAIR informed that the main purpose should be to make the MoC available to the inspectors. COM highlighted his appreciation over the MoC.
Another Forum member pointed out that the Forum should agree on a fast solution in case the answers were not found in the manual. It was discussed whether there is an interest to put the MoC on the public domain to help the industry understand the enforcement authorities' point of view. COM shared this view encouraging as much transparency as possible.
It was pointed out that MoC was meant for the Forum members and the inspectors in the Member States. The publication of the manual could be a sensitive issue. It would depend on the cases whether publication would be feasible or not. As there was not yet any experience, a step-by-step approach was suggested; first testing the MoC with the inspectors and later on considering a "public version"
The CHAIR agreed with the fact that the national Help Nets should give support and advice based on the MoC.
She pointed out that the conclusions were rather general and for that reason a conclusion could be seen as a general suggestion and not valid for particular cases.

b) Exchange of inspectors/mission report (Participants) (ECHA/Forum-12/2012/04b)

The UK presented the exchange of inspectors held in the UK with two representatives from Spain, three from Lithuania, one HSE Inspector, one member of the Forum Secretariat, the UK Environment Agency Chemical Compliance Team and the UK REACH Compliance team. UK did not face any problems while inspecting companies with foreign inspectors.
IT Forum member presented the exchange of inspectors between Italy and Malta held in Rome in January 2012. Maltese Inspectors, one member of the Forum Secretariat, Italian inspectors from the Lazio region and the REACH and CLP central enforcement team participated in this exchange.
MT Forum member shared their good impressions of this experience with the Forum Members. On request, IT indicated that local inspectors chose the companies in accordance with the national criteria.
The ECHA Forum-S presented the conclusions of the ECHA Secretariat for the exchange experiences. He presented the LIFE+ programme as an opportunity to continue the exchanges and invited Member States to indicate their interest for participating in this programme with ECHA.
DE Forum member regretted that ECHA stopped funding the exchange of inspectors. She asked ECHA to reconsider this position.
ECHA pointed out that the budget was only for the pilot to kick off the initiation of the exchange of inspectors within the Forum.

c) MS Report under Art 46 of CLP submitted by ECHA to COM

The ECHA Forum-S gave a short update about the European Commission on the Member States report under Article 46(2) of the CLP Regulation.
The COM representative pointed out that the COM should have its opinions on Article 46 by 1 June. However, due to the enormous work on the REACH review they would come up with conclusions and further advice on enforcement as soon as possible.

d) Information on recast of regulation concerning the export and import of dangerous chemicals (COM (2011)0245 – C7-0107/2011-2011/0105(COD))

The ECHA Forum-S presented the item on the PIC-Regulation. The Forum was invited to report back (for Forum-13) on their network and their enforcement authorities in the Member States to start coordinating them and recasting the Forum's strategy and the multiannual work programme. NL was keen to know about the role of the Forum in relation to the Biocides Regulation.
The ECHA Forum-S and COM confirmed that there was no role for the Forum so far in the current legislation.

Item 5 – Practical issues for enforcement of REACH and CLP

a) Items raised by ECHA (left over(s) - Help Net) (ECHA/Forum-12/2012/05)

I. Follow up From F-11
Issue 1. ECHA: Registration

The ECHA Forum-S introduced this issue. ECHA conducted SMEs verifications of companies that have registered substances and paid reduced registration fees because they claimed to be an SME.
The legal consequences differ, depending on whether the company will not pay the top-up registration fee (i.e. the difference between the registration fee for a large company and the fee already paid) or does not pay the administrative charge.
Non-payment of the top-up registration fee within the deadlines set will result in the incompleteness of the dossier, as the registrant has not paid the full fee as required by Article 20 of the REACH Regulation. In this case the validity of the registration will be affected, and ECHA will revoke the initial positive registration decision and withdraw the registration number. Registrants are informed of this legal consequence when ECHA informs them of the duty to pay the top up fee.
On the contrary, non-payment of the administrative charge is not related to the completeness of the dossier, but may have other legal consequences (on national level).
COM indicated that there might not be a legal basis to revoke a registration number.
The Forum members asked for more information about revoking a registration number and about "other legal consequences". ECHA Forum-S informed that ECHA Legal team left this question open but advised that it may refer to a national fine, for instance.
Some Forum members raised the concern that some member states may not be able to enforce Article 74 of REACH due to national legislation.
The CHAIR suggested having some room for the national inspector to inspect these companies and to verify if they arrive at different results.

Issue 2. ECHA: SDS – CLP Art 33(3)

This was an issue triggered by a discussion in HelpEx (HelpEx ID 6580), which had been regarded as unsolved by the national helpdesks. COM recommended that these issues should be solved by the Helpdesk and not by the Forum in the future.
The CHAIR pointed out that this issue was raised in the HelpNet but a current status of this issue was necessary. The Vice-Chair added that it was an issue still under discussion.

IE requested legal clarity in terms of the enforcement of the SDS.
Related to the question of whether the information on transport pictograms should be provided in section 2 rather than section 14, it was agreed that section 14 would be the most appropriate one in compliance with the CLP provisions.

Concluding, the CHAIR agreed with this view and the Forum should focus on how to enforce the documentation. The CHAIR suggested to IE to ask the author of this question to present some proposals that the Forum could formulate in its MoC.

Issue 3. France: Inspection of Article 33 (2) REACH

At Forum-9, the NL requested information on the experience of other Member States with enforcement of obligations related to informing about substances in Article 33 and whether the procedure should be harmonised between countries and an understanding of Article 33(2) with respect to NGOs. FR developed a first guidance, in which NL and DE had suggestions to change some paragraphs. The Forum adopted the document with the inclusion of the proposals from DE and NL.
The ECHA Forum-S thanked FR in its absence for working on this Guidance document.

Issue 4. ECHA: Substances in Articles

The Forum members' views were that, even when there would not be a duty to obtain information, the supply chain should adopt a "duty of care" to ask for the information up the supply chain, if they were required to provide it down the supply chain. It was discussed whether Article 36 or Article 34 would be the legal basis for providing this information.
The CHAIR invited FI and DK to submit their observations in writing for the next Forum meeting.

Issue 5. SE: Cold packs

The ECHA Forum-S investigated the HelpEx discussion related to instant cold packs. The Forum Members supported the idea that this is a container with a mixture. ECHA indicated that the Helpdesk had been involved and they had or are going to inform the sources that contacted the ECHA Helpdesk about this new result.

Issue 6. EL: Annex XVII restrictions

The ECHA Forum-S presented this issue raised by the EL Forum Member after Forum-11, concerning the labelling of the cement or cement containing mixtures packages, taking into account the Cr (VI) content. The EL Forum Member made a proposal for specific wording to be part of the label.
The Forum debated on whether there is a legal basis to ask for such detailed information in the label.
EL informed the Forum that according to entry 47 of Annex XVII to REACH, the label is required to have *minimum information*. In the abovementioned proposal, it stated that there is no obligation on having that precise wording on the label.
The Forum acknowledged that there were no grounds to require a specific wording on the packaging, but that the required minimum information needs to be included.
The CHAIR proposed to review the document during the meeting in order to clarify this issue. After that edition, the Forum agreed on the document and for it to be updated in the MoC.

II. Left over from F-11

Issue 7. ECHA/HU/ and DE: Import and CLP

ECHA Forum-S presented this issue where ECHA's Legal unit and Helpdesk were consulted.
According to Article 1(2)(b) of the CLP Regulation, the Regulation does not apply to substances and mixtures that are subject to customs supervision, provided that they do not undergo any treatment or processing, and which are in temporary storage, or in a free zone of free warehouse with a view of re-exportation, or in transit. Therefore, imported substances/mixtures do not need to be labelled according to CLP, as long as the substances/mixtures are fulfilling the requirements of the mentioned provision.
Pursuant to Article 4(4) CLP, where a substance or mixture is classified as hazardous, suppliers shall ensure that the substance or mixture is labelled and packaged in accordance with the CLP Regulation, before placing it on the market.
Member States enforcement authorities are required to take all necessary measures, including a system of official controls, to ensure that substances and mixtures are not placed on the market unless they have been classified, labelled, notified and packaged in accordance with CLP Regulation (Article 46(1) CLP).
In principle each Member State should decide internally when and how exactly these inspections should take place, e.g. at customs storage facilities, at customs warehouses, at the warehouse of the importer, etc.
There were some different opinions among the Member States on whether the substances can be labelled while under customs supervision or if it is reasonable to remove and refit the intermediate's outer transport packaging again just for placing the CLP label on the inner packaging after import. Importers may make contractual arrangements with non-EU suppliers, which ensure that the substance/mixture is labelled according to CLP before entering the customs territory of the EU. Several helpdesks from different Member States still have some concerns about this solution.
The consensus of the Forum was asked on this issue. The input of the Forum would be collected for further discussion.
COM highlighted that more collaboration between the Forum and Helpdesk is required to avoid a duplication of discussion. The CHAIR shared the concern that the questions from the national Helpdesks should be carefully screened in the future before presenting them to the Forum.

III. New issues from Forum Members

Issue 8. EL: REACH and CLP Regulation

The EL Forum Member presented this issue, regarding the labelling of cement products and a contradiction found between REACH and CLP (DPD) legislations.
The Greek authorities (as well as CY) followed the REACH Regulation but she raised awareness that there was a need to update the CLP/DPD regulation.
DK Forum member highlighted that there is an exception (restriction 47) where the cement product with more than 2ppm could be used in closed systems and it could be placed on the market if it could be assured that it would be used in a closed system. COM supported DK but raised a concern about how this could be checked.
EL Forum member clarified the question that it was regarding the labelling and not placing on the market.
COM explained his previous statement, advising the enforcement authorities to assess on a case-by-case basis whether it is a closed system or not. A possibility to have this labelling could be in a business-to-business situation.
The CHAIR summarised that the labelling requirements were correct but that this might entail a case-by-case judgement. She encouraged the enforcement authorities to enforce the appropriate REACH requirements.

COM would investigate, from a legislative point of view, a way to avoid similar problems in the future.

Issue 9. NL: Articles 5, 6 REACH Regulation

The NL Forum Member presented this issue regarding the possible problems/non-compliances on the registration of CMRs. The Dutch authorities screened their companies for pre-registration and registration of CMRs (not including the CLP notification), resulting in 200 Dutch companies. Subtracting the oil producers, the already inspected companies and the waste companies, 80 companies required inspection for pre-registration and registration of CMRs. At the time of the meeting, 50% of the selected companies would be inspected. The NL Forum Member asked the Forum if there was any other suggestion on how to tackle this issue.
The ECHA Forum-S informed the Forum of ECHA's recent publication of the CMR report (CMR substances from Annex VI of the CLP Regulation registered under REACH and/or notified under CLP) and recommended the Forum to consult it. This report concluded that the Annex VI of CLP did not represent the CMRs currently on the market.
ECHA recognised that further work was necessary to have a full picture of CMR substances registered and/or notified, including those that industry had sub-classified as CMRs but were not included in the Annex VI of CLP or had been notified as an individual CMR or a group of substances where no numerical data or identifier existed.
As a common approach, ECHA proposed for the Member States to screen the information and encouraged the Forum Members to exchange that information with ECHA.

Issue 10. NL: Articles 31, 34 and 37 REACH regulation

The NL Forum member introduced this issue, informing the Forum that Dutch authorities started a pilot project to investigate further possibilities to digitalise the process of formulating, distributing and using safety data sheets (SDS) in the supply chain. It would start during July 2012.
CHAIR appreciated and encouraged this kind of initiative from the Member States and thanked the NL for sharing this report in the future.
COM informed the Forum that some industrial organisations have been approaching COM with ideas regarding the electronic SDS. COM will forward some of those initiatives (industry-sided) for the NL to use in their pilot project.
The Forum discussed the possibilities of the "active delivery" of the SDS. CHAIR reminded the Forum of the decisions that had taken place at Forum-9 on the acceptance of having the SDS available on the company's website and this information passed on to the recipient, cancelling the need to send a large file in attachment. The ECHA Forum-S added that there was also a possibility for the manufacturer, when sending the link, to request a confirmation receipt to present it to the enforcement authorities. The Guidance document on SDS stated that it was acceptable for the companies to provide an active link for the SDS as a form of "active" deliverance.

The CHAIR encouraged the other Forum Members to present to the Forum any pilot project to be developed in their MS.

Issue 11. NL: Annex XVII, entry 27 Nickel (CAS No 7440-02-0 EC No 231-111-4 and its compounds)

The NL Forum Member presented this issue regarding the Nickel content in mobile telephones and if they fulfil the condition of "direct and prolonged contact with the skin". It was asked if the Forum shared this view, regardless of the migration rate.
CY Forum member agreed with this position.
DK Forum member informed that COM decided in 2008 that mobile phones are under the Nickel regulation (restriction). The CHAIR confirmed that the DG ENTR website had a Q&A document, which had been discussed and agreed upon in the CARACAL meeting. There was an entry concerning this issue that clearly stated that mobile phones were under the scope of the restriction.

Issue 12. IE: CLP regulation Cosmetic products Directive (76/768/EEC)

IE presented this issue questioning whether eyelash adhesives should be considered as cosmetic products to be regulated by the Cosmetics Directive or as chemicals to be regulated by DPD/CLP. ECHA's reply to IE's request for information over this issue was that it was a borderline case between the Cosmetics and Chemicals legislations and that it would leave it to the discretion of the MSCA to decide on the approach taken. DG SANCO was also contacted but no response was obtained. IE requested the Forum's opinion in order to have a consistent view across the EU.
The Forum discussed this issue, where Forum Members presented their situation. COM was invited to clarify this matter and report back at one of the next plenary meetings.

Issue 13. AT: Article 40 CLP Regulation

AT presented this issue on the clarification from the COM that ECHA might allow third parties, such as Only Representatives (ORs) appointed under the REACH Regulation, to submit C&L notifications under Article 40 of the CLP Regulation. He also addressed the Forum to discuss if the news alert, used in this situation, was the appropriate channel for the communication between ECHA and enforcement authorities since this was an enforcement issue and it should be discussed in the Forum before being made accessible to the public.
COM stated that an official reply was sent last August to ECHA and it should be made available to the Forum.
ECHA confirmed the receipt of this letter. There was still a need to explore how the decisions provided by COM could be implemented in ECHA's IT system. ECHA agreed that it could have been communicated to the Forum, prior to the publication of the "news alert".
ECHA Forum-S reminded that a previous discussion, on which provisions a third party must have, already took place and no agreement was achieved. General indicators on what a third party could do when serving as an OR was collected some time ago and it was proposed to review that document.

Item 7 - Work Packages - Activity Reports

a.1) B.2 – Interlinks between ECHA, MSCAs and Enforcement Authorities (ECHA/Forum-12/2012/07a.1)

The WG Chair presented the WG progress since Forum-11. The inventory was revised after the web-conference and it was now in its final state. There were also some comments on the cover note document that were not yet included and needed to be assessed (the consultation round for the cover note document finished on 18 June 2012).
ECHA Forum-S added that the comments would be incorporated and a new document would be redrafted by the WG Chair together with the ECHA Forum-S. Before the workshop, the document should be adopted by written procedure,

clearly stating the position of the Forum. It should be made clear that this would be a living document, showing a picture of the current situation and it could be amended whenever necessary. Only major issues that needed to be corrected would be welcomed at that point. The document might not be perfect but it was necessary to express a common understanding.
COM asked for more information on the status of the work of this WG.
Some Forum members requested for the possibility to have more time for commenting and another commenting round before the written procedure would be initiated.
The Forum Members agreed that the document should aim to make the most harmonised proposal possible, stating the importance of having a conceptual focal point in the MSCAs and NEAs.
ECHA informed that in the past, the MSCAs were informed via CIRCA BC, which NEAs could access. In the work plan of the WG Interlinks, the consultation of the MSCA was also predicted. Regarding the focal points, ECHA's position was that it would be up to Member States to coordinate and develop the best approach internally.
The CHAIR emphasised that this document should be adopted unanimously, before the workshop.
The CHAIR highlighted that the document included a "non-binding" clause.
The WG Chair completed the answer by stating that the basis of the document was the legally binding regulation itself, tackling only the major issues that inspectors had to deal with. She added the priority was to be settled by each Member State, organising their enforcement strategy considering the Forum's enforcement strategy.

a.2) B.2 - Interlinks between ECHA, MSCAs and Enforcement Authorities - Preparation of Workshop with MSCAs (ECHA/Forum-12/2012/07a.2)

ECHA presented this item. Several Member States, at previous CARACAL meetings, requested this workshop. At that moment, there was a steering group assigned to prepare this workshop, in autumn. This would be done on the second week of October, one to one and a half days. ECHA proposed some topics to be covered and requested input from the Forum Members.
The WG Chair (on behalf of some steering group members) suggested some items for the workshop agenda:

- general presentation on interlinks (based on the first four chapters of the cover note);
- presentation of the REACH and CLP processes that implied communication, coordination and cooperation with the MSCAs (a presentation based mainly in the inventory);
- some presentation on the experience of some Member States regarding the communication at national level between MSCAs and enforcement authorities;
- short presentation from ECHA on REACH-IT and RIPE with an emphasis on the enforcement issues.

The WG Chair asked for more input from the Forum, e.g. nomination of speakers (from MSCAs) or any other question that they would consider to be necessary. It was requested for the ECHA Forum-S to organise a preparatory meeting for the workshop with the steering group, if needed.
It was suggested to have a presentation on the agenda with the findings of the pilot project on interlinks.

b.1) Progress report: B.12 – Advice on enforceability of proposals for restriction (ECHA/Forum-12/2012/07.b1)

The Chair of this WG presented the activities of the WG during the period between Forum-11 and Forum-12.

b.2) Working Procedure for developing Forum advice on Enforceability (ECHA/Forum-12/2012/07.b2)

The ECHA Forum-S presented the updates on this issue.
A procedure to nominate a rapporteur/lead member of a WG was still not developed since it was done on a case-to-case basis.
The ECHA Forum-S added that, from experience, there were not many volunteers and an informal negotiation was enough. In the future, if there would be more members willing to collaborate, a procedure could be further elaborated establishing some criteria.
The WG Chair invited the Forum Members to cooperate in the advice forming.

b.3) Publication of GDAERF

The Chair of this WG presented this item and asked for Forum's acceptance on this proposal.

COM and ECHA are both subject to the Regulation (EC) No 1049/2001 regarding public access to European parliament, Council and the Commission documents. One exception for the disclosure would be the "decision making process" documents. They could be redrawn from the document during the decision process so that the pubic consultation would not jeopardise the process itself. However, when challenged in court, it would not always be a strong argument.
The Forum Members agreed, by majority, with the publication of the document as a guidance document with the caveat of the amendments proposed by this WG to be introduced in the current and future documents.

b.4) Analytical methods thought starter (ECHA/Forum-12/2012/07.b4)

The ECHA Forum-S introduced this issue and invited the Forum and COM to provide comments.

COM expressed interest in participating in the elaboration of a Forum methodology to recommend analytical methods by providing the budget and offering JRC's expertise on the analytical methods. If Forum would accept, the Forum had to submit a work proposal with the tasks, timelines etc. necessary for the completion of this project to COM. With that, COM would liaise with JRC to take whatever actions needed to conclude this project.

Some Forum Members raised concerns about the resources and laboratory capacities. However, experts from Member State laboratories could participate in such a project. Harmonisation in the field of analytical methods would be appreciated since now the inspectors would use mostly internal procedures.

b.4.1.i) Organisation of laboratories in MS: The organisation of laboratories in IT

IT Forum member presented this issue. The CHAIR encouraged the Forum Members to inquire from IT for more details of this project outside the meeting.

b.4.2) Enforcement workshop on analytical methods. Purpose and format of workshop on analytical methods (ECHA/Forum-12/2012/07.b.4.i)

The ECHA Forum-S presented this item and invited the Forum Members to submit comments on the draft agenda and consider the invitees.

c) A.1 – B.7 and B.5. – Forum enforcement projects, cooperation with the customs authorities and guidance on enforcement methods and enforcement practice

c.1) REACH-EN-FORCE-2: (ECHA/Forum-12/2012/07.c.1)

The Chair of this WG was not present but the NO Forum Member was available for answering any questions regarding the submitted progress report.
She informed that the reports from BU, FI, LU and RO were delayed. The CHAIR appealed to the Forum Members and their alternates to consider their participation in this WG.

c.2) REACH-EN-FORCE-3: (ECHA/Forum-12/2012/07.c.2)

The Chair of the WG presented this progress report.
A Forum Member required an extension of the deadline to submit their comments, which was conceded by the Chair of the WG.
Some Forum Members raised a concern regarding the timeline of the project (namely the training of the inspector by the national coordinators) and proposed for the operational phase to be postponed until Q3 2013. There could be a demand to have the project manual before starting the training, hence a delay could be feasible. In addition, access to the "Cooperation with customs" project report was requested.
The WG Chair stated that the preparation/training for the operational phase would not require the manual itself as the scope of this project was known.

The Forum Members discussed whether it would be beneficial to establish a new WG that would manage the operational and reporting phase of this project.
As a new working group should at least include members from the current one in order to retain experience, knowledge and time, the Forum agreed by majority that the current WG should continue with the project's timeline as presented.

CHAIR suggested that the preparation for the national trainings could start with the English version of the manual, as soon as it is available and advised the Forum Members to organise their operational phase in order for each Member State to start whenever it is possible for them, within that timeframe.

Regarding the question raised by the WG in the document -What the extent of checking the registration obligations when an Only Representative was involved would be?- it was replied that a detailed inspection of ORs should be done, especially regarding the communication between non-EU manufacturers to the OR and the DU.

COM notified that a close communication with DG TAXUD was held regarding this issue.

In addition, COM was developing a practical document, describing the type of actions/collaborations between the customs and the REACH authorities that could be used in REF-3 (to be available after the summer). COM supported REF-3 and informed that DG TAXUD is willing to collaborate with the execution of this project by promoting REF-3.

The CHAIR informed the Forum of her participation in a workshop for customs' authorities on the role of customs in the enforcement of certain environmental legislation in Denmark, organised by DG TAXUD at the end of May 2012.

DK Forum member informed that cooperation with customs is currently done in DK but in fact the customs were not an enforcement authority concerning REACH. DK was ready to start the operational phase in January 2013.

c.3) Horizontal methodology- Activity plan (ECHA/Forum-12/2012/07.c3)

In the absence of the Chair of this WG as well as its replacement, the ECHA Forum-S presented a summary of the actions that took place in the meetings held in 3 May (preparatory *ad-hoc meeting*) and 4 May 2012. The WG was progressing according to the activity plan and was currently working on the elaboration of the document until 31 August 2012.
The WG suggested having two sub-WGs with regard to the REF projects: one permanent and specialising on the project proposals; the other one to manage the project from the preparation of the manual until the preparation of the project results.

The ECHA Forum-S divulged that the final report on the REF-1 was available on ECHA's website (http://echa.europa.eu/web/guest/about-us/who-we-are/enforcement-forum).
The webpage of the enforcement section was re-arranged and the Forum Members were invited to visit this page.
ECHA Forum-S informed that the reporting tool, currently used in REF-2, can be recommended for the future projects, but not as an obligation. A proposal for ECHA to take over the execution of the reporting tool was presented to ECHA's management bodies and it was estimated that a response should be ready by September.
The CHAIR addressed the Forum to consider participating in this working group.

c.4.1) Pilot Project on Intermediates (ECHA/Forum-12/2012/07.c.4.1)

DE Forum member presented this item, giving some background information and informing the Forum that the operational phase would start in July.

c.4.2) ECHA activities on intermediates

ECHA presented an update on the activities dealing with intermediates' dossiers.
COM required more details on the type of actions that were taking place, as well as what type of substances, what kind of concerns were raised etc. in order to provide answers to stakeholders that contact COM on this subject.
ECHA had an ongoing discussion on the communication channels to the Member States and would take action on this issue. Currently, all the Article 36 letters were uploaded in the CIRCA BC share point.

The question was raised on how the Strictly Controlled Conditions were checked.
ECHA explained that ECHA's checks were only based on the information presented in the dossier, if it complied with Articles 17 and 18. The conditions witnessed by the inspectors, *in situ*, could be different. The tool available for addressing this issue was the Guidance on Intermediates, where some examples and some practical descriptions were listed.

c.4.3) Summary of the Workshop on Strictly Controlled Conditions

ECHA presented the report on the closed workshop between the pilot project participants and ECHA.
NL Forum member informed that in the NL there is an ongoing project on intermediates, checking the registrants and the users' compliance with Articles 17 and 18. For some registrants with users outside the NL, they intended to contact the respective Forum Members and requested them to supply the information in order to conclude the project.
The Forum Members were looking forward to see the summary report of this Workshop.
ECHA added that a document on ECHA's activities on intermediates, covering actions since last September would be presented at CARACAL (28 June 2012). ECHA proposed to share this document with the Forum as well.

c.5) Revised project report regarding the Forum enforcement project on PAH (ECHA/Forum-12/2012/7.c.5)

A representative of the UK Environment Agency presented the final report on this project. The project report was just waiting to be adopted, although some questions needed to be addressed: 1) Should the report be published? 2) What information should be included? 3) How/who will respond to questions?
The Forum Members were in favour of publishing the report after reviewing it.
COM proposed that, whenever there were inquiries about this enforcement projects, ECHA should reply.

Item 7 - Work Packages - Activity Reports - *Continued*

d.1) B.3 - Implementation of RIPE (*ECHA/Forum-12/2012/7d.1)*

The Chair of this WG presented the progress report.

d.2) RIPE progress

The ECHA Forum-S presented a summary of progress on the RIPE tool. In July, a new version 1.7 would be launched, with the adaptation of the messaging system for use as an interim EIES, as well as some corrections requested. The July releases would also be accompanied with the new updated manual. The Audit Guidelines for RIPE was finalised in May 2012 and the Forum members were invited to inform their NEAs that audits should be conducted by the end of 2012. The reports and information about the workload needed to perform the audits should be submitted to ECHA until Q1 2013.

COM inquired about the use of RIPE among the Member States. The ECHA Forum-S replied that the initial expectation of 2 500 users expressed by the Member States might have been overestimated. Currently, there was a survey running and they were collecting new information in order to assess the current use of RIPE and this would be presented at the next Forum.

NL Forum member questioned if the Audit Guidelines document was ready to use and expressed the concern on the update of RIPE since once a month it would not be enough.

The ECHA Forum-S offered to check if the Guidelines were available on CIRCA. Regardless, it was ready for the Member States to use in their audits. Currently,

the technical capacity of ECHA only allowed this update. Whenever it would be possible to provide more frequent updates, this could be done.

It was pointed out that attention must be paid to avoid conflict of interests (e.g. including any consultant company). A proposal was made for the audits to be executed during 2013 since the financial planning for 2012 was already done.
Some Forum members expressed their support to the release of RIPE 2.0 and that should be stressed to ECHA's bodies.

The ECHA Forum-S informed that the final version of the Audit Guidelines was done by ECHA based on security recommendation number 7 which stated that "It was recommended that Member States perform audits to ensure that the security recommendations were done". The audits should be performed according to guidelines prepared by ECHA, in consultation with SON and the Forum.
Moreover, it was stated that no consultants were involved in the preparation of the document.
The timing of the audit was suggested according to security recommendations. The future frequency would be dictated by the assessment of the results of this first audit. ECHA Forum-S did not know whether this information was passed on to the NEAs though it should be under the responsibility of the Member State depending on its discretion on how the security recommendations were implemented. Regarding RIPE 2.0, ECHA Forum-S will fight for the Forum's interests when addressing ECHA bodies.
UK informed that, although they did not have as many authorised people as first anticipated, they were avid users and appreciated this tool. He agreed with DE, on the interest of having version 2.0 available. .

AT Forum member pointed out that the audit for 2012 was very ambitious. He stressed that the Forum was delayed with the audit guidelines (translations) in respect to making the audits still this year. AT Forum member stated that the WG did not support the idea to have the messaging function on RIPE 2.0 because RIPE was to make information available but not by sending information actively. As RIPE is supposed to be a data retrieval tool, it should be possible that ECHA decisions could be stored in RIPE 2.0.

The CHAIR indicated that the need for an audit was known before but pointed out that planning was required and that the timing was ambitious.
The ECHA Forum-S added that the requirement that AT stated had been noted and would be taken into account in RIPE 2.0.

e) B.4 - Develop an electronic information exchange system

The ECHA Forum-S presented a summary of this project where the options considered were highlighted. ECHA proposed RIPE 1.x as an interim solution for EIES aiming for ICSMS as a long term solution.
The ECHA Forum-S invited: a) the Forum and the EIES WG to investigate further if ICSMS would fulfil the needs; b) the COM to make a commitment on the full rollout and change requested. Based on these two feedbacks, ECHA could work on a final decision.

CY Forum member questioned how long the interim solution would last and if ECHA considered the financial burden on the Member States.
The ECHA Forum-S replied that the interim solution could be implemented in July 2012. It will end when ICSMS is in fact the chosen tool and when all Member States are on board. ECHA did not consider the costs on Member States for when ICSMS was accepted by the COM, since it would be free of charge for the Member States.

f) B.6 – Training programme for inspectors: Train the Enforcement Trainers (ECHA/Forum-12/2012/07.f)

The Chair of this WG presented a summary of its actions.
The Forum was invited to comment on the presentations, to adopt the agenda (by written procedure) and to nominate two trainees per Member State (preferably from the occupational safety and health area and from the inspectorate area) to be present in this event.

Item 9 - Update on relevant developments by ECHA

a) Update on developments in ECHA guidance (A.2)

The ECHA presented the current Guidance issues and summarised the guidance achievements.
The CHAIR thanked ECHA for all the effort on finalising as many documents as possible before the *moratorium*.

b) Follow up on Dossier Evaluation (E.2) (ECHA/Forum-12/2012/09.b)

ECHA introduced this item.
The CHAIR informed on the "Substance evaluation workshop" that took place at ECHA (4-5 June 2012) where the role of the NEAs was highly regarded.
A Forum Member inquired whether there would be a possibility for ECHA to withdraw the registration in case the registrant failed to comply.
ECHA answered that this measure could only take place when everything else failed for there were a series of legal implications.

c) Chemicals at the workplace: REACH and OSH in practice (B.3/D.2) (ECHA/Forum-12/2012/09.c)

The Forum was informed of a workshop that would take place on 3 October 2012, organised by ECHA together with DG Employment, social affairs and inclusion. The topic would be on the interface between REACH and OSH and entitled "Chemicals at the workplace: REACH and OSH in practice". Invitations to the MSCA would be sent to nominate participants (2-3 per Member State, including delegates from enforcement authorities).

d) Preparations/Estimations for 2013

ECHA's measures regarding the next Registration deadline of 2013 were presented. The CHAIR stated that the numbers presented by ECHA would represent an increase on enforcement activities and raised her concern on the resource demands on the Member States.
The CHAIR highlighted the importance of the Interlinks document to be ready as soon as possible.

e) Update on CSR and CSA Roadmap

The shared roadmap towards good quality of CSRs/CSAs was brought forward. It was emphasised that a shared roadmap could improve the quality of the documents. The CSA examples could serve registrants as well as downstream users (DUs). The Forum Members felt that they should be more involved in that document. However, there was a certain threat that such a document could be used against the inspectors.

ENES project (Exchange Network on Exposure Scenarios) was created by ECHA based on the facts that the exposure scenarios for communication did not reflect realistic conditions of use and because the infrastructure and methods for efficient submission, receiving, verifying and further processing of exposure scenarios information were not yet in place. ECHA shared that a publication on the conclusions achieved during a workshop, that took place in May 2012, would be available before summer break.

The Forum was invited to participate in the ENES platform project.

f) Substance identity compliance check decisions

ECHA put forward this issue and raised the question of what kind of information/interaction was required from ECHA to the Member States in order to facilitate the enforcement.
It was questioned how an enforcement authority could proceed to request ECHA to have a compliance check based on the findings of an inspection on a non-compliant dossier.
ECHA could be contacted via REACH-IT, CIRCA BC or email, either to a functional mail box or direct email.
A query was raised on cases, where the ID substance/mixture was not clear. Could ECHA act as a decision maker for some Member States who would not have resources to clarify the ID?
ECHA replied that if there was evidence on the field, it would be good to alert ECHA via the above mentioned communication channels. A decision can be drafted but that would be done on a case-by-case basis.

g) Progress report on pending NONS

ECHA introduced this issue and raised questions that required input from the Forum.
The CHAIR appreciated the fact that ECHA would like to take into account the opinion of the Forum on this issue and asked Forum members to comment on the questions in writing.

Item 10 - Working Group mandates: Review and revise existing WG mandates and composition

Eight WG mandates were updated and agreed upon. No new WGs were established during the meeting.

Item 11 - Enforcement campaign on air fresheners carried out in Cyprus

CY Forum member presented a report from this campaign.
The CHAIR encouraged all the Forum members to bring similar campaigns forward to the Forum.

Item 12 - Update on cooperation with other networks

The two sub-items were postponed until Forum-13.

Item 13 - Liaisons with stakeholder organisations

a) Transparency in the Forum activities

UK Forum member presented their view over this issue. UK publicly provided a Guidance document on the strategy on enforcement to the duty holders. UK

informed that the public documents were preceded by scrutiny where confidential information was removed, as well as the discussion on the decisions achieved. UK was in favour of making as many documents as possible publicly available.

DE Forum member claimed that transparency could be risky if done carelessly. She highlighted the difference between publishing a document for the general public and making it available on request. Some criteria should be established for the publication of a document, *e.g.* 1) inform, at an early stage, that the document will be published; 2) removal of confidential information and 3) publish only those documents that have been agreed on by consensus by the Forum.

The CHAIR agreed that establishing criteria was a good way forward on this subject. It would facilitate compliance, making the Forum's work more transparent but nonetheless, control is still required and the appropriate measures taken.

COM added that the general idea was that the Forum was already transparent with the publication of various documents and WG reports. The question would be whether it is possible to go further and for that he suggested to make a list of the documents that are not publicly available and assess, together with the criteria, what could be made public. With this exercise, some experience would be gained, making it an easier process with time.

AT Forum member addressed the fact that it is necessary to further refine the above proposed criteria and also consider the timing of certain publication. He added that the resources available, in terms of enforcement agents on the field, were also an issue to be considered.
The ECHA Forum-S added that transparency could result in saving some resources if the companies are prepared, precautionary activities could avoid incompliance.

The CHAIR suggested setting up the criteria and, based upon that, make future decisions on which documents the Forum will publish. She invited the Forum Members to assess what could be the suitable criteria and send them to the ECHA Forum-S.

The CHAIR informed the Forum over the request made by the customs' authorities in the Danish Workshop to agree on making the final report of the WG "Cooperation with customs" accessible only to the customs' officers.

The "Cooperation with Customs" report was agreed, by the Forum, to be made available, as it is, to the COM (DG TAXUD) that will then distribute it among the Member States' customs' authorities. The CHAIR requested COM to transmit it to DG TAXUD and reminded that it is to be limited to customs.

b) Format of next enforcement workshops

The ECHA Forum-S presented some ideas for future workshops/open sessions with stakeholders. At Forum-11, the Forum agreed on the execution of a workshop on analytical methods, including stakeholders. The Forum was reminded about some proposals on how to improve dialogue with the stakeholders for example by using world cafés, workshops in the middle of the Forum meetings as open sessions, panel discussions, and identifying areas and topics where cooperation is needed.. It was also suggested that a steering group could be created to organise future workshops.

The ECHA Forum-S appealed to the Forum members to brainstorm on some ideas to make the workshops/interaction with the stakeholders more fruitful and to bring forward ideas for future workshops.

COM suggested more precise themes and dedicated issues. He stated that no more than one Stakeholders' Day per year is required.

A Forum Member expressed that the events that took place with the stakeholders were enough. If any liaison with the Forum was required, he preferred them to be included between the sessions of the Forum meetings so that they could be discussed or in line with the proposed "world café", with break-out group sessions, where they could develop some ideas and solutions. The importance of the proposals submitted by stakeholders was highlighted not only in terms of their needs but also in relation to the proposing of solutions.

The ECHA Forum-S added that the Forum had a legal task to liaise with the industry and other stakeholders. Stakeholders were not satisfied with the options they currently had and the Forum had to propose alternatives.

The CHAIR concluded that one stakeholder's day per year was ideal and that the ECHA Forum-S would present a workshop proposal to the Forum for further discussion. This event would also serve as a test case for the Forum to assess this collaboration and proposed for it to be transmitted that stakeholders should bring subjects to be discussed.

Item 14 – AOB

The workshop on the role of the customs was addressed under agenda item 7.3 c).

The ECHA Forum-S informed the Forum about a new policy from ECHA's Executive Office regarding the eligibility criteria/guidelines for Management Board (MB) appointments. The documents were referring to the implementation of ECHA's policy on the management of potential conflicts of interest. This policy would not be binding for the Forum since the MB does not appoint Forum Members.
The ECHA Forum-S proposed to upload the document on CIRCA BC and to address this issue in the next meeting, if required. The CHAIR agreed.

Item 16 – Closing of the meeting

The CHAIR thanked the participants, the COM and the ECHA Forum Secretariat for their contributions and support. With that, she closed the meeting.

II. Main Conclusions & Action Points - Forum-12, - 18-20 June 2012

(Adopted at the Forum-12 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
Item 1- Welcome and introduction		
1.b – Adoption of Agenda	Agenda was adopted.	-
1.c – Adoption of Forum-11 Minutes	-	**Forum-S** will send out the F11 minutes for adoption in written procedure after the current consultation round.
Item 2 - Address by the Executive Director of ECHA		
Item 3 - Update on relevant developments by Commission		
3.a Outcome of studies commissioned by the European Commission	The Forum took note of the information provided by COM.	**COM** will alert the Forum-S when the study on inspections and REACH review report will be published. **The Forum** will discuss the content and timing of the next Enforcement Conference by Forum-15.
3.b. Update on CARACAL, REACH review and other issues	The Forum took note of the information provided by COM.	
Item 4 - Reports from the ECHA Secretariat		
4.a. Manual of Conclusions.	The Forum took note of the information about the preparation of the MOC. Forum agreed that the MOC can be distributed to inspectors and other MS authorities responsible for implementation or enforcement REACH and CLP.	
4.b. Exchange of Inspectors	The Forum took note of the reports from the hosts of the inspector exchanges and acknowledged they were an excellent training opportunity for all involved inspectors. The Forum also took note of the information about the possibilities for financing inspector exchanges from the Commission's LIFE+ project. It was acknowledged that, for the time being, ECHA is not in a position to finance inspector exchanges.	**Forum members** should inform the Forum-S if they wish to become beneficiaries of the Life+ programme by **15 July** as the deadline for 2012 expires in September.

4.c. MS Reports under Article 46 (2) of the CLP submitted by ECHA to COM	The Forum took note of the information provided.	-
4d. Information on recast of regulation concerning the export and import of dangerous chemicals	The Forum took note of the information provided about new tasks expected for it.	**Forum-S** will invite Forum members to submit information about enforcement networks. **Forum-S** will reserve time in the agenda of Forum-13 for discussing the activities of the Forum related to the PIC Regulation.
Item 5 – Practical issues for enforcement of REACH and CLP		
Issue 1 –Registration and administrative charges for companies who falsely claimed to be SME's in their registration(s)	The Forum took note of the information provided. The Forum indicated that inspectors can remind companies to pay the outstanding administrative charge in the companies they already visit. *The Forum indicated that enforcement of lack of payment of administrative fee will not be a priority for enforcement and will not trigger specific enforcement activities.* The Forum has also expressed interest in receiving information from ECHA about companies who failed to pay the top up fee and where the ECHA has revoked registration Forum requested that ECHA informs relevant NEAs immediately when it revokes a registration thus creating non-compliance with Article 5.	**Forum-S** will investigate how the information requested by the Forum can be provided to NEAs and inform the Forum at the next plenary meeting.

Issue 2 – Can transport pictograms be placed in section 2.2 of a SDS where CLP labels are not affixed because they relate to the same hazards as in the rules for transport of dangerous goods?	The Forum agreed the essence of the issue is related to enforceability. Forum agreed that it is not appropriate for the transport pictograms to be included in section 2.2 of the SDS, which should be reserved only to CLP pictograms. Appropriate place for transport pictograms is section 14 of the SDS.	**IE Forum** Member will draft a formulation of the final conclusion of this issue the Forum before Forum-13.
Issue 3 – experience in enforcement of obligation to inform about substances in Article 33 and harmonization of the procedure to handle consumer complaints.	The Forum adopted the guidance on handling complaints under Art 33.2 prepared by FR Forum member with comments made by the plenary. It was agreed that the guidance will be published at the ECHA website.	**Forum-S** will ensure that the final version of the guide is published on ECHA website by 30 July 2012.
Issue 4 – Substances in Articles - Top down duty vs. a bottom up duty on checking the content of SVHC in articles	Forum findings regarding this issue discussed at the last plenary meeting were confirmed. The Forum will seek further clarification on the legal basis for the obligation for the supplier to seek clarification from upstream suppliers in case he received no information about the presence of SVHC in an article. Final conclusion on the matter will be made at Forum-13, if possible.	**DK and FI** are invited to provide their interpretation in writing by 5 August. **Forum-S** will seek legal advice on the matter and reserve time at the agenda of the next meeting.

Issue 5 – Cold packs	The Forum agreed with the current position of ECHA guidance that cold packs are a mixture in a container. *Since the previous interpretation that cold packs are an article was made not following the decision tree in the guidance and inappropriately making an analogy with a thermometer some companies could be put in a non-compliance position.* *Therefore Forum is asked to consider a grace period for the companies who assumed that their cold packs are articles.*	***ECHA** will inform the stakeholders who consulted ECHA on this matter in the past about the interpretation that cold packs are a mixture in a container.*
Issue 6 – information stated for packaging of cement or cement containing mixtures	While the entry 47 specifies what information must be put on the label of cement products, the Forum acknowledged that there are no grounds to require specific wording for how the information on the packaging of cement products must be formulated. However the Forum agreed that the label should be such as to clearly indicate the three required information pieces, namely the storage date, storage conditions and the allowed storage period where the content of chromium is within the required concentration. The Forum agreed that the following text is an example of appropriate labelling of cement products in compliance with entry 47 of Annex XVII of REACH. "Packing date: … (date) Storage conditions: … (statement like as storage in dry conditions) "Period that ensures that content of soluble chromium VI will remain below 0,0002 % until the [date]."	-

Issue 7 – Should substances/mixtures already be labelled according to CLP before import?	The Forum agreed that the substances/mixtures must be labeled appropriately before they are placed on the market in the meaning of REACH (i.e. made available to third parties). It is up to the importer to ensure when and how this happens, as long as the labels are on the packages when the substance/mixture is placed on the market. It is up to the importer to ensure that substances/mixtures he places on the market are labeled in line with CLP. It is also up to the importer to decide whether this is done by non-EU supplier, during customs supervision or shortly after the transport has finished. The Forum acknowledged that the labeling is the duty of the importer and labeling by DU will not be deemed appropriate.	-
Issue 8 – Apparent legal contradictions regarding cement products under Annex XVII of REACH and the provisions of CLP/DPD	The Forum acknowledged that entry 47 of Annex XVII of REACH contains a derogation that allows the use of cement products with concentration of soluble chromium VI above 2mg/kg if the substance is used in a closed system. Accordingly the CLP/DPD labelling regarding potential harmful effects of chromium VI content can be in line with Annex XVII of REACH. Forum agreed that judgement of whether the cement product is used in a closed system or not is made case by case by the inspector.	**COM** is invited to alert relevant services for further investigation if this issue needs to be addressed in future revisions of the legislation.

Issue 9 – Possible non compliance with the registration obligation of CMRs	The Forum acknowledged that the screening related to CMRs is being done by ECHA and decided to discuss the issue again when its results will be available. The Forum is looking forward to receive further information on the results of the NL pilot project.	**WG RIPE** will specify requirements for the screening reports listing CMR Substances not registered for examination by ECHA and possible addition to RIPE.
Issue 10: Pilot project in the NL regarding the digitalisation of formulating and distribution of extended Safety Data Sheets	The Forum took note of the NL pilot project regarding digitalizing the process of formulating, distribution and use of extended Safety Data Sheets (SDS) in the supply chain and expressed interest in its results.	**Forum-S** in liaison with NL will ensure time on agenda of one of the next plenary meetings to allow reporting back of the results of this project. **COM** will provide list of contacts from industry associations who already developed such digitalised tools for SDS to Forum-S who will distribute it to the Forum members by 5 July.
Issue 11 – Annex XVII, Restriction on Nickel (CAS No 7440-02-0 EC No. 231-111-4) and its compounds	The Forum acknowledged the COM's Question and Answer document clarifies that mobile phones fall under the scope of the nickel restriction.	**Forum-S** will distribute the link to COM's Q&A to Forum members by 5 July.
Issue 12: Do adhesives which are used to apply false eye lashes fall under the scope of CLP/DPD requiring labelling or are they considered to be cosmetics due to their use?	Forum acknowledged this is a borderline case between chemicals and cosmetics legislations and that COM is an appropriate institution to offer interpretation in this matter. The Forum exchanged information on the approaches to this issue existing in Member States and found that currently some Member States treat such glues as chemicals, others as a cosmetics.	**IE Forum member** is invited to provide documentation of previous discussions of this issue to the COM by 5 July. **COM** is invited to clarify this matter and report back at one of the next plenary meetings.

Issue 13 – basis and conditions for ORs and CLP notifications.	The Forum acknowledged that that conditions for enforceability of OR submitting CL notifications need to be further clarified.	**Forum-S** will send to Forum the COM's letter with clarification on role of OR which was provided to ECHA as well as a document which was drafted by IE Forum member regarding the OR discussed during the past plenary meetings by 5 July. **Forum members** will submit their views on this practical issue to AT Forum member by 20 August **AT Forum** member will compile the responses and, if possible, propose a conclusion in time for Forum-13
Item 7 – Work Packages – Activity Reports		
7.a.1 – B.2 Interlinks between ECHA, MSCAs and NEAs - progress report from WG	The Forum took note of the information provided and agreed to extend the commenting period to further improve the document for the workshop with ECHA and MSCAs.	**Forum members** are invited to send their comments to the interlinks documents (Cover note and inventory) using the table provided by 5 July 2012. **WG Chair and Forum-s** bilaterally liaise with members who provided comments in order to incorporate all comments by 20 July **Forum** members will submit final comments on revised documents by 31 July **WG Chair** will make final amendments, if needed, by 7 August. **Forum-S** will then launch a written procedure with the deadline of 22 August

7.a.2 – B.2 Interlinks between ECHA, MSCAs and NEAs - preparation of workshop on Interlinks with MSCAs	The Forum took note of the information provided. It was agreed that the Workshop Steering Group will start drafting the agenda after collecting feedback from the Forum and MSCAs.	**Forum members** will submit proposals for the workshop agenda and speaking offers by 5 July **Forum-S** will organise a preparatory meeting for the Workshop Steering Group.
7.b.1 – B.12 Advice on enforceability - Progress report from the WG Chair	The Forum took note of the information provided.	-
7.b.2 – B.12 – Working procedure for developing Forum Advice on Enforceability of Restriction proposals	The Forum adopted the new procedure for developing Forum Advice on Enforceability of Restriction proposals.	-
7.b.3 – B.12 Publication of GDAERF (Guide for Drafting Advice on Enforceability of Restrictions Proposals by the Forum).	The Forum agreed to publish the Guide for Drafting Advice on Enforceability of Restrictions Proposals as proposed by the Chair of the WG.	-
7.b.4 – B.12 – Analytical methods thought starter	The Forum expressed general support for the proposed project but highlighted some concerns which should be taken into consideration. It was agreed that the Forum will consider how to proceed with the project after collection of written feedback from the Forum members.	**Forum members** are invited to send comments about the proposed project on analytical methods as described in the thought starter document to Forum-S by 20 August 2012.
7. b.4.1. i) Organisation of laboratories in MSs The organisation of laboratories in IT	The Forum took note of the information provided.	-
7. b.4.2 Enforcement workshop on analytical methods. Purpose and format of workshop on analytical methods	The Forum took note of the information provided and supported the proposed approach.	-
7. c. 1 REF-2	The Forum took note of the progress report.	-
7. c. 2 REF-3	The Forum took note of the progress report.	-

7.c.3. – Horizontal methodology for enforcement projects	The Forum took note of the progress report.	-
7.c.4.1 – Pilot project on intermediates – progress report	The Forum took note of the progress report.	-
7.c.4.2 – Pilot project on intermediates – Update on ECHA Activities on intermediates	The Forum took note of the information provided.	-
7.c.4.3 – Workshop on Strictly Controlled Conditions	The Forum took note of the information provided.	**Forum-S** will distribute the CARACAL document ECHA activities on intermediates and the summary report of the SCC workshop to Forum members when it is finalised.
7.c.5. Revised project report from the Forum's enforcement project on PAH	The Forum congratulated the UK for preparation and execution of the project and decided to publish the final report after editing.	**Forum members** are invited to submit comments to DE Forum member on which parts of the report should not be published 20 August **DE Forum member** will collect the comments and redraft the report accordingly by Forum-13
7.d.1- Implementation of RIPE - Progress report from the WG Chair	The Forum took note of the progress report.	
7.d.2 – Implementation of RIPE – progress of the RIPE project	The Forum took note of the progress of the project. The Forum expressed concerns that it may not be possible to finalise RIPE Security Audits by the end of 2012.	**ECHA** will send an invitation to MS RIPE Administrators and SPOCS to initiate Security Audits by 12 July

7.e. – Electronic information exchange system – update from ECHA	The Forum took note of the information provided and welcomed that ECHA has taken a decision on implementation of EIES.	**Forum-S** will describe the RIPE messaging functionalities for interlinks WG by 27 June **Forum-S** will draft and send to WG RIPE and EIES a paper on the roles and responsibilities of the MS Contact Point in context of both interlinks and EIES by 19 July **WG EIES and WG RIPE** will provide comments to the paper by 10 August **Forum-S** will review the paper on responsibilities and send for consultation to Forum by 24 August. **Forum members** will send comments by 7 September. **Forum-S** will review and send a final paper on Contact Points to Forum members and MS RIPE Administrators and invite MS Administrators to create a MS Contact Point(s) by 21 September
7.f. – Training for trainers - Progress report from the WG Chair	The Forum took note of the progress of the WG in preparation of the training.	**Forum-S** will upload the training materials to CIRCA by 13 July **Forum members** are invited to send comments by 15 August. **Forum-S** will start a written procedure for adoption of the training agenda by 21 August **Forum members** are invited to nominate 2 trainees per MS by 31 August 2012. **Forum-S** will inform the Forum members about the date of the training event when it is decided

Item 9 – Update on relevant development by ECHA Secretariat		
9.a – Update on developments in ECHA guidance	The Forum took note of the information provided and appreciated the work done by ECHA on the guidance documents and their translation.	-
9.b. Follow-up to dossier evaluation	The Forum took note of the information provided.	**Forum members** are invited to provide views on the draft evaluation strategy by 31 July 2012
9.c. Chemicals at the workplace: REACH and OSH in practice (B.3/D.2)	The Forum took note of the announcement about the workshop and the invitation of representatives of the enforcement authorities.	**Forum members** are invited to liaise with MSCAs in case they wish to participate in the REACH and OSH workshop.
9.d Preparations/Estimations for 2013	The Forum took note of the information provided. The Forum acknowledged it needs to consider what action needs to be taken with regard to compliance with Article 11.	-
9.e Update on CSR and CSA Roadmap	The Forum took note of the information provided.	**Forum members** invited to network on national level to see if they can nominate experts for ENES by 12 July
9.f Substance identity compliance check decisions	The Forum took note of the information provided.	-
9.g Progress on pending NONS	The Forum took note of the information provided.	**Forum-S** will send ECHA Secretariat's questions to Forum by 5 July. **Forum members** are invited to provide responses to the questions by 31 August
Item 10 – WG Mandates		
10 WG mandates	The mandates of existing Working Groups were reviewed.	**Forum members** are invited to send names of invited experts by 5 July 2012.
Item 11 – Enforcement in the MS		
Enforcement campaign on air fresheners carried out in Cyprus	The Forum took note of the information provided.	**CY Forum member** will send an English version of the report when available to Forum-S **Forum-S** will distribute it to the Forum members immediately
Item 12 – Update on cooperation with other network		

12.a) Update on SLIC WG CHEMEX projects	Postponed	-
12.b) Awareness raising campaign of OSHA Bilbao	Postponed	-
Item 13 – Liaisons with stakeholder organisations		
13.a Transparency in Forum activities	The Forum discussed the degree of transparency of its documents and agreed to establish criteria for publication of its documents.	**Forum members** are invited to provide proposals for the criteria for publication by 20 August **Forum Chair** will draft the transparency criteria for further discussion and agreement at Forum-13.
13.b Format of next enforcement workshops	The Forum discussed ways of liaising with stakeholders during Forum's enforcement workshops.	**Forum-S** will draft the agenda for the planned workshop on analytical methods and invite feedback from the Forum regarding both content and format.
Item 14 – AOB		
Workshop on the role of customs	The Forum took note of the information provided.	-

III. List of Attendees

Forum Members

	Country	Surname	Name
1	RO	ALBULESCU	Mihaela
2	IT	ALESSI	Mariano
3	AT	ANWANDER	Eugen
4	DK	BØRGLUM	Birte Nielsen
5	PT	CABRITA	Rui
6	BE	CUYPERS	Paul
7	HU	DEIM	Szilvia
8	FI	EKMAN	Annette
9	EL	FOUFA	Eleni
10	CZ	JAROLÍM	Oldřich
11	SK	KOLESAR	Dušan
12	CY	KYPRIANIDOU-LEONTIDOU	Tasoula
13	IE	MCMICKAN	Sinead
14	MT	MIFSUD	Shirley
15	SI	NOVAK	Vesna
16	PL	OSOWNIAK	Marta
17	LV	PALLO	Parsla
18	LT	PIPRAITE-VALISKIENE	Donata
19	UK	POTTS	Mike
20	EE	PROMET	Natali
21	ES	SÁNCHEZ-PEÑA	Pablo
22	NL	VAN DEN BERG	Jos
23	DE	VOM HOFE	Katja
24	SE	WESTERBERG	Agneta
25	NO	WIKHEIM	Maren

Invited experts

	Country	Surname	Name
1	LT	AMBRAZIENĖ	Skirmantė
2	UK	COX	Claire
3	EE	KARRO	Marina
4	LV	KURMAHERE	Inese
5	HU	MAROSVÖLGYI	Nikoletta
6	UK	MAWDSLEY	Chris
7	DK	PETERSEN	Pia
8	PT	VIEIRA PRAZERES	Telmo
9	AT	WURM	Gernot

Advisers

	Country	Surname	Name
1	BE	LEYNEN	Michel
2	DE	FRENZEL	Stefan
3	DE	ZEITLER	Reinhard
4	DK	RAVN JENSEN	Anette
5	FI	LEIKOSKI	Mervi
6	IT	POLCI	Maria Letizia
7	NO	FOSSNES	Tone Line
8	SE	SILLRÉN	Barbro

Appointed Observer

	Organization	Surname	Name
1	HR	KREKOVIC	Dubravka Marija

European Commission

	DG	Surname	Name
1	ENT	AGUADO-MONSONET	Miguel
2	ENV	ZIELINSKI	Janusz

	ECHA	Unit
1	BARANSKI Maciej	A2 – Guidance and Forum Secretariat
2	CALVO TOLEDO Juan Pablo	A2 – Guidance and Forum Secretariat
3	CLIFFE Brendan	A2 – Guidance and Forum Secretariat
4	FELICIANO Tania	A2 – Guidance and Forum Secretariat
5	KOWALSKI Ulrike	A2 – Guidance and Forum Secretariat
6	NIKULA Terhi	A2 – Guidance and Forum Secretariat
7	NOUWEN Johan	A2 – HoU Guidance and Forum Secretariat
8	TESTON RIOS Omar	A2 – Guidance and Forum Secretariat
9	TLOCZEK Magdalena	A2 – Guidance and Forum Secretariat

IV. List of Annexes

ANNEX I. Final agenda Forum-12

ANNEX II. Revision and Establishment of mandates of Forum WGs

- ANNEX II a) – Revised mandate of WG "Preparation of coordinated enforcement project REACH-EN-FORCE-3" (A1)
- ANNEX II b) – Revised mandate of WG "Horizontal methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects**"** (A1, B1, B5)
- ANNEX II c) – Revised mandate of WG "Implementation of RIPE"
- ANNEX II d) – Revised mandate of WG "Electronic Information Exchange System"
- ANNEX II e) – Revised mandate of the WG "Enforceability of restrictions"
- ANNEX II f) – Revised mandate of the WG "Training for Enforcement Trainers 2012"
- ANNEX II g) – Revised mandate of the WG "Interlinks between ECHA, MSCAs and Enforcement Authorities"
- ANNEX II h) – Revised mandate of WG "Obligations of Downstream users –formulators of mixtures REACH-EN-FORCE-2" (A1)

ANNEX III. List of meeting documents and room documents for Forum-12

ANNEX IV. Glossary of acronyms and abbreviations

Annex I – Final agenda Forum-12

8 June 2012
ECHA/Forum-12/2012/A/01 final draft

Final Draft Agenda

Twelfth meeting of the

Forum for Exchange of Information on Enforcement

(Forum-12)

18-20 June 2012

European Chemicals Agency

Helsinki, Finland

18 June: starts at 13:00
20 June: ends at 18:00

DAY 1

Item 1 – Welcome and Introduction

a) Opening by the Chair of the Forum
b) Adoption of the Agenda and declarations of conflict of interest with regard to Agenda points *(Chair)*
c) Adoption of the Minutes of Forum-11 *(Chair)*
d) State of play with action points from Forum-11 *(ECHA Secretariat)*
e) Practicalities and brief recapitulation of results of the written procedures between Forum-11 and Forum-12 (*ECHA Secretariat*)

For adoption/information

ECHA/Forum-12/2012/A/1 final draft
Room document/1.c
ECHA/Forum-12/2012/1.e

Item 2 – Address by the Executive Director of ECHA

Item 3 – Update on relevant developments by Commission

a) Outcome of studies commissioned by the European Commission on REACH (*COM*)
b) Update on CARACAL, REACH review and others *(COM)*

For information

ECHA/Forum-12/2012/3.a
ECHA/Forum-12/2012/3.a/Annex I
ECHA/Forum-12/2012/3.a/Annex II
ECHA/Forum-12/2012/3.a/AnnexIII
ECHA/Forum-12/2012/3.a/Annex IV
ECHA/Forum-12/2012/3.b

Item 4 – Reports from the ECHA Forum Secretariat

a) Manual of conclusions (Past Forum conclusions – point 2; Annex 1)
b) Exchange of inspectors/mission report *(Participants)*
c) MS Report under Art 46 of CLP submitted by ECHA to COM
d) Information on recast of regulation concerning the export and import of dangerous chemicals (COM(2011)0245 – C7-0107/2011 – 2011/0105(COD))

For information/ discussion

ECHA/Forum-12/2012/4.a.1
ECHA/Forum-12/2012/4.a.2
ECHA/Forum-12/2012/4.a.3
ECHA/Forum-12/2012/4.a.4
ECHA/Forum-12/2012/4.b

Coffee break 16:00-16:30

Item 5 – Practical issues for enforcement of REACH and CLP

a) Items raised by ECHA (left over(s) - Help Net)
b) Items raised by members

For discussion

ECHA/Forum-12/2012/5
ECHA/Forum-12/2012/5/Annex 2-Template(s)

Item 6 – Adoption of conclusions from day 1

For adoption

DAY 2

Item 5 – Practical issues for enforcement of REACH and CLP – *Continued*

For discussion

Coffee break: 11:00 – 11:30

Item 7 – Work Packages - Activity Reports

a) B.2 - Interlinks between ECHA, MSCAs and Enforcement Authorities

- Progress report (including Pilot Project) from the WG Chair
- Preparation of workshop on Interlinks with MSCAs

For discussion

ECHA/Forum-12/2012/7.a.1
Room document/7.a.2

b) B.12 – Advice on enforceability of proposals for restriction (for discussion / adoption)

1) Progress report WG Chair
2) Working procedure for developing Forum advice on Enforceability of Restriction proposals (*ECHA Secretariat*)
3) Publication of the GDAERF (**G**uide for **D**rafting **A**dvice on **E**nforceability of **R**estrictions Proposals by the **F**orum) *(ECHA Secretariat)*

For adoption/endorsement/discussion

ECHA/Forum-12/2012/7.b.1
ECHA/Forum-12/2012/7.b.2

Lunch Break: 13:00 – 14:00

4) Analytical methods Thought Starter
   4.1 Organisation of laboratories in the Member States
      i. The organisation of laboratories in Italy (*IT*)
   4.2 Enforcement workshop on analytical methods
      i. Purpose and format of workshop on analytical methods

For discussion
ECHA/Forum-12/2012/7.b.4
Room document/07.b.4.2.i

c) A.1 – B.7 and B.5. – Forum enforcement projects, cooperation with the customs authorities and guidance on enforcement methods and enforcement practice

- REACH-EN-FORCE 2
  Progress report from the WG Chair

For information

ECHA/Forum-12/2012/7.c.1

- REACH-EN-FORCE 3
  Report on the progress made (WG Chair)

For information

ECHA/Forum-12/2012/7.c.2

Coffee break: 15:45– 16:15

c) A.1 – B.7 and B.5. – Forum enforcement projects, cooperation with the customs authorities and guidance on enforcement methods and enforcement practice - *Continued*

- Horizontal methodology for harmonised Forum coordinated enforcement projects
  - Activity Plan *(ECHA Secretariat)*

For information

ECHA/Forum-12/2012/7.c.3

- Pilot project on Intermediates

  4.1Progress report *(Chair Pilot project)*

  4.2Update on ECHA activities on intermediates *(ECHA Secretariat)*

  4.3Workshop on Strictly Controlled Conditions *(ECHA Secretariat)*

For information

ECHA/Forum-12/2012/7.c.4.1

5) Revised project report regarding the Forum enforcement project on PAH *(UK)*

For adoption

ECHA/Forum-12/2012/7.c.5

d) B.3 - Implementation of RIPE

1) Progress report from the WG Chair
2) RIPE progress *(ECHA Secretariat)*

For information

ECHA/Forum-12/2012/7.d.1

Item 8 – Conclusions and action points Day 2

For adoption

Dinner 19:30

DAY 3

Item 7 – Work Packages - Activity Reports - *Continued*

e) B.4 - Develop an electronic information exchange system

Update from ECHA *(ECHA Secretariat)*

For discussion

f) B.6 – Training programme for inspectors: Train the Enforcement Trainers

Progress report from the WG Chair

For information

ECHA/Forum-12/2012/7.f

Coffee break: 10:30 – 11:00

Item 9 – Update on relevant developments by ECHA Secretariat

a) Update on developments in ECHA guidance
b) Follow-up to dossier evaluation
c) Chemicals at the workplace: REACH and OSH in practice
d) Preparations for 2013
e) Update on CSA and CSR Roadmap
f) Substance Identity compliance check decisions
g) Progress on pending NONS

For information/discussion

ECHA/Forum-12/2012/9.b
ECHA/Forum-12/2012/9.c

Lunch break: 13:00– 14:00

Item 10 – Working Group mandates

Review and revise existing WG mandates and composition (*ECHA Secretariat*)

For discussion/adoption

Room document/10

Item 11 – Enforcement in the MS

Enforcement campaign on air fresheners carried out in Cyprus *(CY)*

For information

Item 12 – Update on cooperation with other network

a) Update on SLIC WG: CHEMEX projects *(IE)*
b) Awareness raising campaign of OSHA-Bilbao, Spain *(OSHA)*

For discussion

Coffee break: 15:50 – 16:20

Item 13 – Liaisons with stakeholder organisations

a) Transparency in the Forum activities *(UK)*
   - Options for mutual fruitful dialogue with stakeholder organisation
   - Precautionary measures to circumvent incompliance

For information/discussion

b) Format of next enforcement workshops

For discussion

Item 14 – AOB

- Workshop on the role of customs in the enforcement of certain environmental legislation in Denmark *(Chair)*

For information

Item 15 –Conclusions and action points from meeting

For adoption

Item 16 – Closing of the meeting

Closing by the Chair

Annex II a

Forum Working Group
"Preparation of coordinated enforcement project REACH-EN-FORCE-3"
Work Package A.1
(Mandate revised at Forum-12)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members
Nikolay SAVOV (BG)
Jos VAN DEN BERG (NL)
Eugen ANWANDER (AT)
Shirley MIFSUD (MT)
Pablo SÁNCHEZ PEÑA (ES)

Invited Experts

Alfred EBNET (DE) (customs)
Paivi SIMPANEN (FI) (customs)
Panagiotis GIMNAOU (CY)
James GUERRIER (FR) (customs)
Ruta Birute DAUKSIENE (LT) (customs)
Maria Letizia POLCI (IT)
Andrew BUTTIGIEG (MT) (customs)
Sibyle WURSTHORN (DE)
Viktoras SESKAUSKAS (LT)
Cedric MESSIER (FR)

Commission
Janusz Zielinski (COM)

Objective:
- Prepare the third major Forum enforcement project

Mandate:
- Prepare a document identifying and proposing priority of possible subjects for third Forum enforcement project, considering the project prioritisation criteria
- Subject proposals shall include an aspect where the procedure of cooperation with customs could be tested
- After the subject is approved by the Forum, develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the third Forum enforcement project
- Prepare and deliver the training for project national coordinators

Timeline:
- Subject proposals and prioritisation: 1 September 2010
- Approval of the REF-3 subject : Forum-10
- Project manual: Q3 2012 (written procedure)
- Prepare and deliver the training for project national coordinators:Q4 2012 – Q1 2013

Annex II b

Forum Working Group
"Horizontal methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects"

Work Packages A.1, B.1 and B.5
(Mandate established at Forum-10)
First revision – Forum-12

Composition:

Chair: Mike POTTS (UK)

Forum Members
Katja VOM HOFE (DE)
Birte BØRGLUM (DK)
Paul CUYPERS (BE)
Rui CABRITA (PT)
Agneta WESTERBERG (SE)

Invited Experts
Andrea MAYER-FIGGE (DE)
Nikoletta MAROSVOGYI (HU)
Aleksandra MOCZULAK (PL)
Gisela HOLZGRAEFE (IMPEL)

Commission
Miguel AGUADO-MONSONET (COM)

Objectives:

- Draft the consolidated final report of the REACH-EN-FORCE-1 (REF-1) project **(completed)**

- Set up a methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects. This methodology would take into account the experience gathered on enforcement methods and enforcement practice when dealing with REF-1, REF-2 and PAH projects (and later on with REF-3 and potientially other projects)
- Elaborate a draft document (to be adopted by the Forum) retracing this methodology

Mandate:

- Compile the facts reports regarding REF-1 project and draft a final project report considering the revision of conclusions and recommendations from the WG REF-1 adopted by Forum **(completed)**

- Set up a methodology for a harmonised elaboration (including selection, prioritisation, manual elaboration, identification of success criteria), management (including implementing, training, assistance to the national coordinators), reporting (including reporting tools, data analysis and drawing of conclusions and recommendations for further actions) and

evaluation (including indicators) of Forum coordinated enforcement projects.
- Draft, in cooperation with the ECHA Forum Secretariat, a document retracing this methodology. It will include a procedure reflecting the method adopted (including time-schedule).
- Liase with national coordinators from REF-1, REF-2, ex-members of REF-1 and members of the WG REF-2 as far as possible. Later on, liase also with members of REF-3 and potientially other projects.

Timeline:
- Draft the consolidated REF-1 Project Report : **December 2011 (completed)**
- Present to Forum a progress report on setting up the methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects : **Forum-12, Forum-13, Forum-14**
- Propose a draft document retracing this methodology : **Forum-15**

Annex II c.

Forum Working Group
"Implementation of RIPE"
(Mandate revised at Forum-12)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members

- Eugen ANWANDER (AT)
- Eleni FOUFA (EL)

Invited Experts

- Barbro SILLREN (SE)
- Paolo IZZO (IT)
- Andrea MAYER-FIGGE (DE)
- Søren JAKOBSEN (DK)
- Telmo PRAZERES (PT)
- Georg HERB (DE)

Objective: Support the implementation of the REACH Information Portal for Enforcement (RIPE) allowing inspectors access to data from REACH-IT

Mandate:

- Provide comments on the existing version of Standard & Comparison Report 14 (C&L Notifications)
- Provide input during preparation, development and implementation of RIPE 2.0 if it is undertaken by ECHA.
- Prepare specification for any further screening or statistics reports.

Timeline:

- Forum 14 – progress reports at plenary meetings in between

Annex II d.

Forum Working Group
"Electronic Information Exchange System"
(Mandate revised at Forum-12)

Composition:

Interim Chair: Birte BORGLUM (DK)

Forum Members/Alternates
- Pablo SÁNCHEZ PEÑA (ES)
- Marta OSOWNIAK (PL)
- Paul CUYPERS (BE)

Invited Experts
- Tone Line FOSSNES (NO)
- Maria TARANCON (ES)
- Ludwig FINKELDEI (DE)
- Søren JAKOBSEN (DK)
- Gernot WURM (AT)
- Piergiuseppe CALÁ (IT)

Commission
- Peter BARICIC

Objectives:
1. Assess to what extent ICSMS fulfils the general functional requirements for the electronic information exchange system (EIES), judge if this extent is sufficient for to satisfy the needs of EIES and define any needed adaptations

Mandate:
- Test ICSMS and prepare a document listing which general requirements of the EIES are satisfied by ICSMS as it currently is, indicating also to what extent these requirements are fulfilled
- Prepare a justified recommendation for the Forum indicating if and why this degree of compliance with the EIES general functional requirements is sufficient to serve as EIES for inspectors
- Prepare a prioritized list of change requests indicating what adaptations need to be made to ICSMS in its further adaptations so that it suits the EIES requirements better
- Consider if general functional requirements for EIES or the data list need to be reviewed

Timeline: Forum-14

Annex II e.

Forum Working Group
"Enforceability of restrictions"
Work Package B12
(Mandate revised at Forum-12)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members
- Mariano ALESSI (IT)
- Jos VAN DEN BERG (NL)

Invited Experts
- Karin RUMAR (SE)
- Rachael ALLEN (UK)
- Tone Line FOSSNES (NO)
- Leonello ATTIAS (IT)
- Uwe LICHT-KLAGGE (DE)
- Mervi LEIKOSKI (FI)
- Marek DUSZYNSKI (PL)
- Maria Letizia POLCI (IT)
- (AT)

European Commission
- Patricia HUALDE GRASA (COM)

Objective:
- Facilitate the elaboration of the Forum advice on enforceability of restrictions

Mandate:
- Prepare the draft Forum advice on enforceability of proposals for restrictions within Annex XV dossiers that are in conformity with the REACH requirements, taking into account the comments of the Forum members
- Propose a methodology for recommending analytical methods. After this methodology is elaborated, propose the elaboration of a compendium of recommended analytical methods in liaison with stakeholders and other relevant bodies.
- Propose a manual intended to assist the control of compliance with Annex XVII restrictions in close cooperation with ECHA

Timeline:
31 December 2013, reporting at each plenary meeting

Annex II f.

Forum Working Group
"Training for enforcement trainers 2012"
(Mandate revised at Forum-12)

Composition:

Chair: Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Forum Members
- Eugen ANWANDER (AT)
- Natali PROMET (EE)
- Mariano ALESSI (IT)
- Mihaiela ALBULESCU (RO)

Invited Experts
- Michael KAUFHOLD (DE)
- Susanna NORTHON-RISBERG (SE)
- Cathrine SKJÆRGÅRD (NO)
- Kristine KAZEROVSKA (LV)
- Celsino GOVONI (IT)
- Beatriz FATÁS (ES)
- Maria ORPHANOU (CY)
- Nathan KUPER (SLIC-CHEMEX)

Objective:
- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in second half of 2012

Mandate:
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, as necessary
- Collect and summarise the reactions of participants and formulate recommendations for next trainings

Timeline:
- Training to be undertaken in Q4 2012
- Forum- 14 – final report, depending on the date of the training

Annex II g.

Forum Working Group
"Interlinks between ECHA, MSCAs and Enforcement Authorities"
(Mandate revised Forum-12)

Composition:

Chair: Mihaela ABULESCU (RO)

Forum Members
- Maren WIKHEIM (NO)
- Oldrich JAROLIM (CZ)
- Jos VAN DEN BERG (NL)
- Anette EKMAN (FI)
- Katja VOM HOFE (DE)
- Sinead MCMICKAN (IE)
- Eugen ANWANDER (AT)

Invited Experts
- Barbro SILLRÉN (SE)
- Pia PETERSEN (DK)
- Cedric MESSIER (FR)
- Rosemarie GREIWE (DE)

COM
- Jacek Rozwadowski (COM)

Objective:
- Draft the Forum's position on Interlinks between ECHA, MSCAs and National Enforcement Authorities, for enforcement comminication purposes. The Forum will use that document to launch and facilitate a discussion with ECHA, COM and MSCAs

Mandate:
- Update the "Cover Note and the tables for communication, cooperation and coordination between ECHA and the Member States authorities in the context of REACH and CLP enforcement", by differentiating two parts thereof:
    - A cover note with general remarks and explanations and
    - An inventory table which describes in a synthetic way the communication channels between ECHA, MSCAs and NEAs from the perspective of enforcement of REACH and CLP processes
    - Consulting any other relevant documents dealing with similar subject, such as items discussed at Forum-10
    - Consulting MSs and ECHA with regards to their need for communication among themselves and also with the enforcement authorities, including bilateral dialogues
    - Make the cover note and the inventory more coherent, and consider in particular that:
        - The inventory has to serve as a road map which has to clarify the role and tasks between the main actors involved in the process of communication, cooperation and coordination for the purposes of enforcement,
    - Support the workshop with the MSCAs representatives on the subject of communication, cooperation and coordination between ECHA and the Member States authorities in the context of REACH and CLP enforcement in Q4 2012.

    - Coordinate the execution of this pilot project with the participating countries and elaborate the final project report

- Consult the document with the Forum and the MSCAs, at least once before Forum 12 and submitting it for adoption to the Forum

Timeline: Cover Note and inventory: Forum-12 (Written procedure after F-12)

Interim Pilot project report: Forum-13
Include result of Pilot Projects in Cover Note: Forum-14

Annex II h.

Forum Working Group

"REACH-EN-FORCE-2 project:
Obligations of Downstream Users - formulators of mixtures"
Work Package A.1
(Mandate revised at Forum-12)

Composition:

Chair: Nikolay SAVOV (BG)

Forum Members/Alternates
- Maren WIKHEIM (NO)
- Natali PROMET (EE)
- Marta OSOWNIAK (PL)

Invited Experts
- Cecilia WESTOO (SE)
- Nikoletta MAROSVOLGYI (HU)
- Lutz ERDMANN (DE)
- Maria TARANCÓN ESTRADA (ES)
- Hannah BEMBRIDGE (UK)
- Marina Karro (EE)

Objective:
- Coordinate and manage the operational and reporting phase of the REACH-EN-FORCE-2 project

Mandate:
- Revise the project manual further to comments submitted at Forum-8
- Coordinate and provide consulting assistance to the national project coordinators from the participating countries within the operational and reporting phase of the project,
- Supply the national coordinators with up-to-date versions of project documents
- Collect and compile results from the national coordinators
- Prepare final project report and present it to the Forum plenary
- Elaborate guidance for REACH & CLP enforcers on the basis of manual and experience obtained in the project

Timeline: Q4 2012, reporting to the Forum at each plenary
Interim results from the project – Forum-12
Final project report and guidance – Forum-13

Annex III

List of meeting documents and room documents for Forum-12

Documents uploaded on CIRCA BC

AP	Document	Number
1.b	Final draft agenda	ECHA/Forum-12/2012/A/1 (final) draft
1.c	Written procedures report (F11-F12)	ECHA/Forum-12/2012/1.e
3a	Outcome of studies	ECHA/Forum-12/2012/3.a ECHA/Forum-12/2012/3.a/Annex I ECHA/Forum-12/2012/3.a/Annex II ECHA/Forum-12/2012/3.a/Annex III ECHA/Forum-12/2012/3.a/Annex IV
3b	Update from CARACAL + COM report under Art. 117 (4) + Market surveillance	ECHA/Forum-12/2012/3.b
4a	Manual of Conclusions	ECHA/Forum-12/2012/4.a1 (draft of the MOC clean) ECHA/Forum-12/2012/4.a2 (draft of the MOC track changes) ECHA/Forum-12/2012/4.a3 (table response) ECHA/Forum-12/2012/4.a4 (result of voting on conclusions 1-10)
4b	Exchange of Inspectors	ECHA/Forum-12/2012/4.b
5	Practical issues for enforcement	ECHA/Forum-12/2012/5 ECHA/Forum-2/2012/5/Annex 2-Templates
7.a.1	WG progress report - Interlinks	ECHA/Forum-12/2012/7.a.1
7.b.1	Progress report WG Chair	ECHA/Forum-12/2012/7.b.1
7.c.1	WG progress report – REF-2	ECHA/Forum-12/2012/7.c.1
7.c.2	WG progress report – REF-3	ECHA/Forum-12/2012/7.c.2
7.c.3	Horizontal methodology for harmonised Forum coordinated enforcement projects, acitivity plan	ECHA/Forum-12/2012/7.c.3
7.c.4	Pilot project on intermediates	ECHA/Forum-12/2012/7.c.4.1
7.c.5	PAH project-lessons learnt, recommendations for MSs	ECHA/Forum-12/2012/7.c.5
7.d.1	WG progress report – RIPE	ECHA/Forum-12/2012/7.d.1
7.f.	WG progress report – train the Enforcement Trainers 2012	ECHA/Forum-12/2012/7.f
9.b	Follow-up to dossier evaluation	ECHA/Forum-12/2012/9.b
9.c	Chemicals at the workplace: REACH and OSH in practice	ECHA/Forum-12/2012/9.c

Room documents

AP	Document	Number
1c	Minutes of Forum-11	Room document/1.c
7.a.2	Preparation of workshop on Interlinks with MSCAs	Room document/7.a.2
7.b.4.2	Enforcement workshop on analytical methods	Room document/7.b.4.2
10.	Review existing WG mandates	Room Document/10

Annex IV. Glossary of acronyms and abbreviations

AMS: Regulation (EC) No 765/2008 concerning the Accreditation and Market Surveillance
CARACAL: MSCA Committee for REACH and CLP
CEN: European Committee for Standardisation
CIRCA IG: CIRCA Interest Group
C&L: Classification and Labelling
CLH: Harmonised Classification and Labelling
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
CMR: a substance or mixture which is carcinogenic, mutagenic or toxic to reproduction
COM: European Commission
DG: Directorate General at Commission
DPD: Dangerous Preparations Directive
DU: Downstream Users
ECHA: European Chemicals Agency
EDA: European Defence Agency
EEA: European Economic Area
EFTA: European Free Trade Agreement
EIES: Electronic Information Exchange System
ENTR: DG Enterprise and Industry at the European Commission
ENV: DG Environment at the European Commission
EU: European Union
ECHA Forum-S: Forum Secretariat
ICSMS: The internet-supported information and communication system for the pan-European market surveillance of technical products
ISO: International Standards Organization
IUCLID: the International Uniform Chemical Information Database
JRC: Joint Research Centre
MB: the Management Board of ECHA
MS: Member States
MSC: Member States Committee
NEAs: National Enforcement Authorities
PBT: Persistent, Bioaccumulative, Toxic substances
PEG: Partners Expert Group
PVC: Polyvinyl chloride
RAC: Risk Assessment Committee
RAPEX: EU rapid alert system
R&D: Research and Development
REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF-1: REACH-EN-FORCE 1, 1st Coordinated Enforcement Project of the Forum focusing on pre(-)registration and SDSs provisions of REACH
REF-2: REACH-EN-FORCE 2, 2nd Coordinated Enforcement Project of the Forum
REF-3: REACH-EN-FORCE 3, 3rd Coordinated Enforcement Project of the Forum
RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RoP: Rules of Procedure
SDS: Safety Data Sheet
SEAC: Socio Economic Analysis Committee
SIEF: Substance Information Exchange Forum
SME: Small and Medium Sized Enterprises
SON: Security Officers Network
vPvB: very Persistent and very bioaccumulative substances
WG: Working Group of the Forum
WP: Work Programme of the Forum